

Anaconda News.

OUR GAMBLING LAW

The Full Text of the Statute Now in Force.

ROUND THE TABLE POKER

And Faro Bank Are the Only Games That Can Be Licensed—Cheating is a Misdemeanor.

Deer Lodge, Oct. 27.—The county treasurer to-day received from the attorney general a copy of that part of the penal code relating to gambling, which is now in effect, since the supreme court has declared the anti-gambling law unconstitutional. Because of the passage of the anti-gambling law that provision of the code which fixed the license on faro and poker was omitted when the codes were printed. But now owing to the supreme court's decision it is revived and the county treasurer is instructed to collect the licenses it provides for. The law which is now in force is as follows:

Section 357. Any person or persons, or association of persons who shall keep any house or saloon room, or club room, or any banking game, or game of chance in a hall or played for money, or anything representing money or having money value is used, ventured or hazarded shall, before starting such business, pay a license of \$100 per quarter, and in addition thereto such person or persons shall pay a license for each table (which table shall be covered eight feet in length and four feet in width), on which the game commonly called "faro" is dealt or played, \$40 per month.

Any person violating any of the provisions of this section shall, upon conviction, be fined in any sum not less than \$300 nor more than \$1,000, or imprisoned in the county jail for not less than 30 days, nor more than six months, or both such fine and imprisonment in the discretion of the court; providing, that one-half of the fine shall go to the person so informing.

Section 358. That if any person or persons shall deal, play at, or make any bet or wager of any kind, for money or other thing of value, at any game or games called, designated or known as "three card monte," "strap or belt game," "thimble-rig," "monte," "patent game," "black and red," "game," "ten-dice game," "wheel of fortune," "percentage stud horse poker," "percentage draw poker," "twenty-one," "high-ball," "blue jay," "chuck luck," "short faro," "roulette," "two-card box faro," "loaded dice game," "bee-hive" game, "case game," "brace faro" game, "keno," "high for luck" game, "brace game," "envelope game," or any brace game or games of chance, or any game or games of chance, or any character or description whatsoever, or any of the said games called by different names, or any game or games similar to those enumerated in this section, or called by different names, or any person or persons who play at, or conduct any game of cards, or games of chance, or who uses any box or device for any game of chance of any character or description with intention to deceive any person playing at such game or games, or any person, who, in collusion with any other person plays at or induces another to play at, any game or games of chance, with intent to deceive or mislead any other person, or any person who conducts or deals at any game or games of chance where the percentage is greater in favor of the dealer than it appears to be on its face; or who conducts or deals at any cheating or fraudulent game of chance of any kind or description whatsoever; or who plays at or conducts any game of chance of any character where the dealer or person conducting such game has any secret or hidden or unfair means of playing or dealing whereby the party who plays is deceived by such secret or hidden or unfair means, or shall induce or solicit, or attempt to induce or solicit any person or persons whatever to make any bet or wager, or play at any such game or games, he is guilty of a felony, and on conviction thereof, shall be imprisoned in the state penitentiary for a term of not less than six months nor more than two years, and by a fine of not less than \$100, nor more than \$500; provided, nothing in this act contained shall be construed to in any way prevent or prohibit the licensing or conducting, according to law, of the games called and known as "faro bank" and "round the table poker," or the selling of "auction and Paris mutual pools on races."

Section 359. Whoever keeps a room, building, tent, booth, shed, or tenement of any kind, to be used or occupied for carrying on or playing of any gambling games, as designated in section 358 of this act, or knowingly permits the same to be used, or occupied for carrying on or playing any such games, or whoever being the owner of any house, room, building, tent, booth, shed, or tenement of any kind, rents the same, or any portion thereof, to be used or occupied for carrying on or playing any gambling game or games prohibited by this act is guilty of a misdemeanor, and on conviction shall be fined not more than \$500, nor less than \$100, or imprisoned not more than six months nor less than 10 days, or both in the discretion of the court; and any owner of any such building, booth, tent, shed, or tenement who knows that any of the games by this act prohibited or played or kept therein, and does not forthwith make a complaint before some officer qualified under the laws of the state of Montana to issue a warrant of arrest against the person or persons so playing, or using or keeping the same for such purpose or purposes, shall be deemed to have knowingly permitted the same to be used and occupied for such purpose.

Section 360. Whoever suffers or permits any gambling game or games of any kind or description as designated in section 358 of this act, to be played for game upon or by means of any gambling device, box, contrivance or machine of any character or denomination whatsoever in his building or room, or any part thereof, or in any out-house, booth, tent, or possession of which he has the care or possession, or upon any race track or fair grounds is guilty of a misdemeanor and upon conviction shall be fined not more than \$500 nor less than \$100, or shall be imprisoned in the county jail not more than six months nor less than 10 days, or both, in the discretion of the court.

Section 361. Whoever keeps or exhibits for gain, or to win or gain money or other property, any keno bank or any gambling device, box, machine, or contrivance of any kind or description

under any denomination or name whatsoever, used in or for the purposes of running or playing any gambling games as designated in section 358 of this act, is guilty of a misdemeanor, and on conviction thereof shall be fined not more than \$500 nor less than \$100, and imprisoned in the county jail not more than six months nor less than 10 days.

Section 362. Any keeper or manager of a hotel, tavern, saloon, or other house or place of public resort, or of any fair grounds or race track who suffers or permits any gambling games as designated in section 358 of this act, to be played at or within such place or places, or in any out-house building, room or section appendant thereto, or connected therewith is guilty of a misdemeanor, and on conviction thereof shall be fined not more than \$500 nor less than \$100, and be imprisoned in the county jail not more than six months nor less than 10 days.

Section 363. Any treasurer of any city or county in this state who shall issue any license to any person or persons or association of persons, for the purpose of running or playing any gambling games, or similar games as designated by section 358 of this act, is guilty of a misdemeanor and shall on conviction thereof, be fined not less than \$500 nor less than \$100, or be imprisoned in the county jail not more than six months nor less than 10 days, or both, in the discretion of the court; and the holder or holders of any license or licenses, issued for the playing and carrying on of any of the games prohibited by this act, and which may have been issued for any period of time extending beyond February 25th, 1895, shall have a valid claim or claims against such county or city for any sum or sums which may have been paid for procuring said license or licenses for any such period of time extending beyond February 25th, 1895, and all claims under the provisions of this act shall be filed and audited as are other claims against counties and cities; and any county where any such license or licenses may have been issued shall have a valid claim against the state for the refunding of the percentage which may have been paid by the county treasurer of any such county into the state treasury, and before filing the claim of any such county by the clerk of the board of county commissioners with the state auditor, such auditor is hereby directed and empowered to draw his warrant upon the state treasury for such amount out of any funds in the state treasury not otherwise appropriated.

Section 364. It shall be the duty of all the sheriffs, deputy sheriffs, constables and police officers, and they are hereby required to seize any table, box, machine, case, dice, cards, or other apparatus or article suitable for the purpose of playing or carrying on any gambling games, as designated in section 358 of this act, found in the possession or under the control of the person arrested, and to deliver the same to the magistrate before whom the person arrested is required to be taken.

Section 365. The magistrate to whom anything suitable for playing any gambling game, as designated in section 358 of this act, is delivered pursuant to the last section, must, upon examination of the defendant, or if such examination is delayed or prevented, without awaiting such examination, determine the character of the things so delivered to him, and whether it was actually employed or intended to be employed by the defendant in violation of the provisions of this act; and if he finds that it is of a character suitable for carrying on or playing any gambling games prohibited by this act, and that it has been used, or is intended to be used by the defendant in violation of this act, he must cause it to be destroyed, or to be delivered to the county attorney of the county in which the defendant is liable to indictment or trial, as the interests of justice may in his opinion require.

Section 366. Upon the conviction of the defendant, the county attorney shall cause to be destroyed everything suitable for playing or carrying on any of the games prohibited by this act, in respect whereof the defendant stands convicted, and which remains in the possession of or under the control of the county attorney.

Section 367. No person otherwise competent as a witness, shall be disqualified or excused from testifying as such either before any court or jury to any facts concerning offenses mentioned in this act, on the ground that his testimony may criminate himself, and such testimony if given shall not be used as evidence against such witness.

Section 368. No law of the state of Montana shall in any manner be construed to commit in any way whatsoever the running, carrying on, or playing of any game or games prohibited in section 358 of this act, and section 1359 of the fifth division of the compiled laws of Montana and section 10 of an act, entitled "An act to amend an act entitled an act concerning licenses, approved Sept. 14th, 1895, so far as they relate to games prohibited in section 358 of this act, be and the same are hereby repealed; provided, nothing in this section or this act, anywhere contained, shall be construed to prevent the licensing and conducting according to law of the games called and generally known as faro bank, round the table poker, and the selling of Paris mutuals and auction pools on races.

Section 369. One-half of all fines collected under the provisions of this act, shall be paid to the person informing against the defendant, and the other half shall be turned over to the county treasurer of the county for the use of the general fund of such county.

Section 369. For each and every conviction of any person violating any of the provisions of this act, the county attorney prosecuting shall receive an addition to the fees now allowed him by law a fee of \$15, to be allowed by the county commissioners of the county where such conviction may be had.

How's This! We offer One Hundred Dollars reward for any case of Catarrh that cannot be cured by Hall's Catarrh Cure. F. J. CHENEY & CO., Toledo, O. We, the undersigned, have known F. J. Cheney for the last 15 years, and believe him perfectly honorable in all business transactions and financially able to carry out any obligations made by their firm.

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The Standard Dictionary of the English Language is beyond all question the best ever published. Anaconda Standard, Sept. 22, 1895. John M. Peets, agt., Commercial Hotel.

When in Butte lunch at Sherman's.

Ordinance No. 118.

An ordinance to amend certain sections named herein of ordinance No. 116 of the city of Anaconda, entitled an ordinance concerning licenses passed and approved July 20, 1895, and adding other sections thereto.

Be it ordained by the city council of the city of Anaconda:

Section 1. That division 6 of sub-division second of section 3 of ordinance No. 116, being an ordinance entitled "an ordinance concerning licenses passed and approved July 20th, 1895," be amended so as to read as follows:

Sixth—Those doing business in any amount under \$500 per quarter constitute the sixth class and must pay a license of \$40 per quarter.

Sec. 2. That sub-division fourth of section 3 of said ordinance be amended so as to read as follows:

Fourth—Every pawnbroker shall pay a license of \$40 per quarter. Every keeper of an intelligence office shall pay a license of \$10 per quarter. Every keeper of a shooting gallery shall pay a license of \$15 per quarter.

Section 3. That sub-division thirteenth of section 3 of said ordinance be amended so as to read as follows:

Thirteenth—Every brewer or manufacturer of malt liquors and every person who sells malt liquors in quantities of more than six gallons, and whose sales amount to more than \$3,000 per month or more, must pay a license of \$50 per month; whose sales amount to less than \$3,000 and more than \$1,000 per month must pay a license of \$35 per month; whose sales amount to less than \$1,000 per month must pay a license of \$20 per month; whose sales amount to less than \$500 per month must pay a license of \$12.50 per month; whose sales amount to less than \$500 per month must pay a license of \$12.50 per month.

Sec. 4. That sub-division fourteenth of section 3 of said ordinance be amended so as to read as follows:

Fourteenth—Every manufacturer of pop, soda or other like drinks put up in bottles shall pay a license of \$5 per month.

Sec. 5. That sub-division eighteenth of section 3 of said ordinance be amended so as to read as follows:

Eighteenth—Every person practicing a profession, as a lawyer, dentist, physician, surgeon or photographer, or any other profession, or an insurance agent, must pay a license of \$150 per quarter. Any person who draws any legal instrument or paper for which a fee is charged or money paid, so practicing a profession under this section.

Sec. 6. That sub-division twenty-first of section 3 of said ordinance be amended so as to read as follows:

Twenty-first—Every keeper of a restaurant, eating saloon or hotel must pay a license as follows: Those doing business in the aggregate of \$2,000 and not less than \$1,000 per quarter must pay a license of \$5 per quarter and \$5 for each additional \$2,000 or any fractional part thereof per quarter; those doing a business of less than \$1,000 per quarter must pay a license of \$2.50 per quarter.

Sec. 7. That sub-division twenty-second of section 3 of said ordinance be amended so as to read as follows:

Twenty-second—Every assayer who does a business to the amount of \$200 and under \$500 per month must pay a license of \$10 per quarter; all assayers doing a business of \$500 per month must pay a license of \$25 per quarter.

Sec. 8. That sub-division twenty-third of section 3 of said ordinance be amended so as to read as follows:

Twenty-third—Every keeper of a second-hand store or junk shop shall pay a license of \$12.50 per quarter.

Sec. 9. That sub-division thirty-fourth of section 3 of said ordinance be and the same is hereby repealed.

Sec. 10. That sub-division thirty-fifth of section 3 of said ordinance be and the same is hereby repealed.

Sec. 11. That sub-division twenty-seventh of section 3 of said ordinance be amended so as to read as follows:

Twenty-seventh—Every builder, contractor, architect or manufacturer doing a business of \$15,000 or over per year must pay a license of \$10 per quarter; those who do a business of \$10,000 and less than \$15,000 per year must pay a license of \$5 per quarter; those doing a business of less than \$10,000 per year must pay a license of \$2.50 per quarter.

Sec. 12. That there be a new sub-division added to section 3 of said ordinance to be numbered fortieth, and to read as follows:

Fortieth—Every keeper of a lodging house shall pay a license as follows:

Those doing a business of \$50 per month and not more than \$200 per month must pay a license of \$2 per quarter; those doing a business of \$200 and less than \$500 per month must pay a license of \$5 per quarter.

Sec. 13. That section 10 of said ordinance No. 116 be and the same is hereby amended so as to read as follows:

Sec. 10. The city treasurer shall collect a fee of 50 cents for each license issued, which must be paid into the general fund of the city.

Sec. 11. That there shall be added to said ordinance the following sections:

Sec. 12. Any person or persons or association of persons who shall keep any house, or saloon, or room, or club rooms where any banking game or game of chance is dealt or played for money or anything representing money, or having a money value is used, bet, ventured or hazarded within the limits of the city of Anaconda, shall before engaging in such business pay to the city treasurer a license fee of \$75 dollars per quarter, and in addition thereto such person or persons or association of persons shall pay a license fee for each table (which shall not exceed eight feet in length and four feet in width) on which the game commonly called "faro bank" is dealt or played, of \$20 per month; and any person or persons or association of persons who shall keep any house or saloon or room or club rooms where "round the table poker" is played for money or anything representing money or having a money value is used, bet, ventured or hazarded, shall before engaging in such business pay to the city treasurer a license fee of \$10 per quarter, and in addition thereto such person or persons or association of persons shall pay a license fee for each table used for such games of \$10 per month; provided, however, that this statute shall not be construed to authorize or permit any game prohibited by the laws of the state of Montana.

Sec. 15. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Sec. 16. This ordinance shall take effect and be in force from and after its publication.

Passed and approved October 25th, 1895.

Mayor of the City of Anaconda.

Attest—T. O'LEARY, City Clerk City of Anaconda.

Office of the City Clerk, City of Anaconda, County of Deer Lodge, State of Montana, ss.

I hereby certify that the above and foregoing ordinance was regularly put upon its passage and duly passed by the city council of the city of Anaconda and approved by the mayor on the 25th day of October, A. D. 1895.

In witness whereof I have hereunto set my hand and affixed the corporate seal of the city of Anaconda on this 25th day of October, A. D. 1895.

(Seal) T. O'LEARY, City Clerk of the City of Anaconda.

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273 all wool suits, substantial, stylish and just such as you want for ordinary wear. They are worth \$18, but we are going to sell them this week for

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55 GENUINE IRISH FRIEZE OVERCOATS for..... \$15

These overcoats were bought by us much under value and are really worth \$15 and \$25.

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Thirty dozen Men's Silk Neckwear 25 cents, all that is left. They were 50 cents.

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100 pairs fancy border Blankets, extra large \$3.50.

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